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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-ninth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

CONTENTS

Item		Paragraphs	Page
1.	Organization of work	1 - 48	4
	(a) Election of officers	1	4
	(b) Adoption of the agenda	2 - 13	4
	(c) Methods of work of the Sub-Commission	14 - 48	6
2.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	49 - 52	14

* These annotations are based upon the provisional agenda of the forty-ninth session of the Sub-Commission with the addition of the indicative subheadings dividing the text of the annotations for ease of reference.

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CONTENTS (continued)

Item		Paragraphs	Page
3.	Comprehensive examination of thematic issues relating to the elimination of racial discrimination	53 - 58	17
	(a) Situation of migrant workers and members of their families	53 - 58	17
	(b) Xenophobia	53 - 58	17
4.	The realization of economic, social and cultural rights	59 - 86	19
	(a) The international economic order and the promotion of human rights	80	22
	(b) The realization of the right to development	81	22
	(c) The question of transnational corporations	82 - 86	22
5.	The implementation of the human rights of women	87 - 104	24
	(a) Traditional practices affecting the health of women and children	93 - 100	25
	(b) The role and equal protection of women in development	101 - 104	26
6.	Contemporary forms of slavery	105 - 131	27
7.	Human rights of indigenous peoples	132 - 172	31
8.	Protection of minorities	173 - 182	39
9.	The administration of justice and the human rights of detainees	183 - 218	41
	(a) Question of human rights and states of emergency	203 - 210	44
	(b) Application of international standards concerning the human rights of detained juveniles	211 - 218	45
10.	Freedom of movement	219 - 238	46
	(a) Population displacements	220 - 230	46
	(b) The right to leave and seek asylum and the right to return	231 - 238	48

CONTENTS (continued)

Item		Paragraphs	Page
11.	Review of further developments in fields with which the Sub-Commission has been or may be concerned . .	239 - 286	49
	(a) Review of developments related to recommendations made in earlier studies	262 - 270	52
	(i) Promotion, protection and restoration of human rights at national, regional and international levels;		
	(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;		
	(iii) Encouragement of universal acceptance of human rights instruments;		
	(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine	271 - 285	54
	(i) Terrorism and human rights;		
	(ii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;		
	(c) Other new developments	286	56
12.	Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)	287 - 296	56
13.	Concluding items		
	(a) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fiftieth session of the Sub-Commission	297 - 298	58
	(b) Adoption of the report on the forty-ninth session	299	59

Annex

Members and alternates of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 60

Item 1. Organization of work

Sub-item (a) Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Sub-item (b) Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1997/1. (See also paras. 9-13 below.)

3. At its forty-sixth session, the Sub-Commission, by its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1).

5. As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1988/104, the Sub-Commission decided to consider, after its forty-first session in 1989, the item entitled "Review of the work of the Sub-Commission" on a biennial basis.

7. By its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year as a sub-item of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

8. By its resolution 1994/31, the Sub-Commission decided to discontinue consideration of the question of encouragement of universal acceptance of human rights instruments under a separate agenda item.

9. At its forty-eighth session, the Sub-Commission, having taken note of the draft provisional agenda for the forty-ninth session as contained in an informal document, entrusted the Chairman with the task of finalizing, in cooperation with the Secretariat, the draft provisional agenda in accordance with the statements made by the members at the 36th meeting, on 30 August 1996.

10. The draft provisional agenda for the forty-ninth session of the Sub-Commission and proposals relating thereto, as submitted by the Chairman, were reproduced in paragraphs 389 and 390 of the report of the Sub-Commission in its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41). On the basis of this draft provisional agenda, the Secretary-General prepared the provisional agenda for the forty-ninth session of the Sub-Commission contained in document E/CN.4/Sub.2/1997/1. In presenting the draft provisional agenda, the Chairman noted that matters falling under the general heading of agenda items other than those listed as sub-items could also be taken up, should the Sub-Commission so decide.

11. It was suggested by the Chairman that the following items should be considered biennially, beginning in 1997: 3 (a), 9 (a), 9 (b), 10, 11 (a) (ii), 11 (a) (iii), 11 (b) (i) and 11 (b) (ii).

12. It was also suggested by the Chairman that the following sub-items should be considered on a biennial basis beginning in 1998:

(a) Under item 9:

(i) Sub-item (c), entitled "Individualization of prosecution and penalties, and repercussions of violations of human rights on families";

(ii) Sub-item (d), entitled "Privatization of prisons";

(b) Under sub-item 11 (a) (i):

(i) Sub-item (a), entitled "Prevention of discrimination and protection of children: human rights and youth";

(ii) Sub-item (b), entitled "Human rights and disability";

(c) Under sub-item 11 (b):

(i) Biennial sub-item (i), entitled "Terrorism and human rights";

(ii) Biennial sub-item (ii), entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life".

13. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

Sub-item (c) Methods of work of the Sub-Commission

Organization of work

14. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. The Sub-Commission may wish to consider establishing such a sessional working group at the present session.

15. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its resolution 1992/8 containing the guidelines concerning its methods of work, in particular to guidelines Nos. 13 (Schedule of meetings), 14 (Order of statements), 15 (List of speakers) and 16 (Speaking time). (See also paras. 17-21 below.)

Methods of work

16. The Economic and Social Council, by resolutions 1983/32, 1986/35 and 1991/32; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25 and 1997/22 and decisions 1986/102 and 1994/103; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117, 1994/117, 1995/112, 1995/113, 1995/114, 1995/115, 1996/112, 1996/113, 1996/114 and 1996/115, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25 and 1997/22, the Commission requested the Chairmen of the Sub-Commission to report to the Commission. The Chairpersons of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70), fifty-first (E/CN.4/1995/83), fifty-second (E/CN.4/1996/81) and fifty-third (E/CN.4/1997/79) sessions.

17. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Sub-Commission, decided to annex to that resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

18. At its forty-sixth session, the Sub-Commission established a sessional working group on methods of work. In its decision 1994/117, the Sub-Commission decided to adopt the report of its sessional working group on methods of work (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to.

19. The recommendations of the working group on methods of work regarding agenda item 6 (now item 2) dealing with violations of human rights as approved by the Sub-Commission, were as follows:

"1. Speaking time

(a) As a guideline supplementary to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 1800 hours on the day before the opening of the debate on agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

"2. Allocation of time and sequence of speaking

The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission."

20. In its decision 1995/112, the Sub-Commission adopted, on an experimental basis, the following rulings concerning its methods of work:

(a) All statements in exercise of the right of reply should be made only at the end of the debate on each agenda item;

(b) Denunciations of cases of violations of human rights and specific accusations made under item 6 cannot be repeated under another item of the agenda.

21. In its decision 1995/113, the Sub-Commission decided to continue the practice of considering agenda item 6 at the beginning of the session, starting on the day following the adoption of the agenda.

22. At its forty-eighth session, the Sub-Commission, in its decision 1996/112, aware that its present schedule did not allow it to devote sufficient time to its work, in particular to the study of documents, the preparation of draft resolutions and the undertaking of sufficiently wide consultations among its members and with representatives of Governments and non-governmental organizations, and convinced that the time devoted to formal meetings could be reduced if the meetings were rescheduled to take place over a longer period, thereby allowing time for more frequent informal consultations, decided to request the Secretary-General to examine the financial and other implications of organizing its sessions according to each of the following three proposals: (a) one session of four weeks with two meetings each working day; (b) one session of five weeks with one week of two meetings each working day and four weeks of one meeting each working day; (c) one session of six weeks of one meeting each working day.

23. At the present session, the Sub-Commission will have before it a note by the Secretary-General on his examination of this matter (E/CN.4/Sub.2/1997/2).

24. In its decision 1996/113, the Sub-Commission decided that at its forty-eighth session it would not propose any new studies or reports, with the exception of working papers without financial implications and of those cases in which studies or reports were specifically recommended by a competent working group of the Sub-Commission.

25. In its decision 1996/114, the Sub-Commission, mindful of the need for and merit of having a consolidated set of the rules of procedure fully applicable to it, decided to entrust Mr. Ribot Hatano with the task of preparing, without financial implications, a working paper relating to the methods of work of the Sub-Commission, to be submitted to it at its forty-ninth session as a basis for discussion, which would contain:

(a) A compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission;

(b) A list of the procedural questions which need to be resolved by the Sub-Commission.

26. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1997/3).

27. In its decision 1996/115, the Sub-Commission, noting that the Commission on Human Rights in its resolution 1996/25 of 19 April 1996 had requested the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication, and considering it inappropriate to draw to the attention of the Commission situations which the Sub-Commission had reason to believe revealed consistent patterns of violations of human rights and fundamental freedoms, in accordance with Commission resolution 8 (XXIII) of 16 March 1967, when those situations were already under consideration in the Commission, decided to take

no action at its forty-ninth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations.

28. At the present session, the Sub-Commission will have before it a note by the Secretary-General containing a list of human rights situations currently being considered by the Commission on Human Rights under public procedures (E/CN.4/Sub.2/1997/33).

29. In its decision 1994/103, entitled "Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission inter alia requested the Sub-Commission to present its recommendations to the Commission, insofar as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

30. The Commission on Human Rights, at its fifty-third session, adopted resolution 1997/22, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, inter alia,

(a) Reaffirmed that the Sub-Commission could best assist the Commission on Human Rights by providing it with recommendations based on the views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

(b) Expressed its appreciation of the steps undertaken by the Sub-Commission to reform and improve its methods of work;

(c) Requested the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency and avoiding duplication with the Commission and its mechanisms, taking into account the views of Member States, and, in this context, called upon the Sub-Commission:

(i) To focus on its primary role as an advisory body of the Commission on Human Rights;

(ii) To refrain henceforth from duplicating action by the Commission on Human Rights with regard to country situations under consideration in the public procedures of the Commission and, furthermore, limit action to exceptional cases in which new and particularly grave circumstances arose;

(iii) To give particular attention to the process of selection of studies and, when choosing subjects for study, to take into account recommendations of the Commission on Human Rights and the treaty bodies, explaining the choice made so as to enable the Commission adequately to assess the need for a specific study;

(iv) To improve further the independence and the impartiality of the Sub-Commission, in particular in discussions concerning the situation in a specific country;

(v) To facilitate efficient and effective participation of non-governmental organizations;

(vi) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(vii) Further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including the human rights treaty bodies and relevant United Nations research institutions;

(viii) To focus strictly on questions relating to human rights in accordance with its mandate;

(d) Called upon the Sub-Commission to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

(e) Requested the Secretary-General, in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they had been approved by the Commission on Human Rights.

In the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate in the Commission on the work of the Sub-Commission.

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

31. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 dealing with violations of human rights (decision 1990/105) and agenda item 9 dealing with communications concerning human rights (decision 1990/111).

32. At the same session, the Sub-Commission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

"It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

33. At its forty-seventh session, the Commission, in its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members. This recommendation was adopted by the Economic and Social Council at its first regular session of 1991, in its resolution 1991/32.

34. At its forty-fourth session, the Sub-Commission, by its decision 1992/105, decided, pursuant to Economic and Social Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 dealing with violations of human rights by secret ballot, whenever a vote was requested thereon.

35. At its forty-sixth to forty-eighth sessions, the Sub-Commission, by its decisions 1994/110, 1995/106 and 1996/105, decided to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

Implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission on Human Rights

36. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights, inter alia, requested the Sub-Commission to prepare, for the use of the Commission in its examination of that question, a report containing information on violations of human rights and fundamental freedoms from all available sources (para. 2). The Commission further invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories (para. 6).

37. At its fortieth session, the Commission decided to continue at its forty-first session the discussion of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

38. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions

and proposals which had been made in order to enable the Sub-Commission better to discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. The Sub-Commission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

39. At its forty-second session, the Sub-Commission, in its decision 1990/125, took note of the report of its Working Group established pursuant to its decision 1989/104 (E/CN.4/Sub.2/1990/14) and decided that the Working Group should continue its work at the forty-third session of the Sub-Commission.

40. At its forty-third session, the Sub-Commission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Sub-Commission decided to establish in 1992, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission with regard to, inter alia, methods and means of dealing with violations of human rights.

41. At its forty-eighth to fifty-second sessions, the Commission reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission (resolutions 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25).

42. In its report (E/CN.4/Sub.2/1992/3), the inter-sessional Working Group on the methods of work of the Sub-Commission recommended to the Sub-Commission that it transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in the Sub-Commission of violations of human rights" (E/CN.4/Sub.2/1992/3/Add.1), which the inter-sessional Working Group had not been able to consider because of the limits to its terms of reference.

43. The sessional working group convened by the Sub-Commission during its forty-sixth session pursuant to Sub-Commission resolution 1993/4, adopted several recommendations relating to methods of work of the Sub-Commission regarding agenda item 6 dealing with violations of human rights (E/CN.4/Sub.2/1994/3, annex). By its decision 1994/117, the Sub-Commission approved the recommendations of its working group and decided that they should be strictly adhered to (see paras. 18 and 19 above).

44. Further decisions relating to the methods of consideration of the agenda item dealing with violations of human rights were adopted by the Sub-Commission at its forty-seventh and forty-eighth sessions (see paras. 20, 21 and 27 above).

Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

45. At its forty-fifth session the Sub-Commission decided, by its decision 1993/104, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

46. At its forty-sixth session, the Sub-Commission had before it the working paper prepared by the secretariat (E/CN.4/Sub.2/1994/17) and the text of the opinion of the Legal Counsel (E/CN.4/Sub.2/1994/17/Add.1).

Standard-setting activities

47. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, in which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Documentation

48. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the

recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. The attention of the Sub-Commission is also drawn to other relevant resolutions concerning control and limitation of documentation, (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50).

Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

49. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

50. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights (see also paras. 36-44 above).

51. In discussing this item, the Sub-Commission may wish to take into account the following resolutions and decisions adopted by the Sub-Commission

at its forty-eighth session, by the General Assembly at its fifty-first session, and by the Commission on Human Rights at its fifty-third session, in addition to those referred to in the foregoing paragraphs:

Sub-Commission (forty-eighth session)

Resolutions

1996/1	Situation in the Middle East
1996/2	Situation of human rights in Kosovo
1996/3	Situation of human rights in Rwanda
1996/4	Situation of human rights in Burundi
1996/5	Situation of human rights in Iraq
1996/6	Situation in the Palestinian and other Arab territories occupied by Israel
1996/7	Situation of human rights in the Islamic Republic of Iran

Decisions

1996/105	Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries
1996/106	Monitoring the transition to peace in Guatemala
1996/107	Humanitarian situation in Iraq

General Assembly (fifty-first session)

Resolutions

50/106	Situation of human rights in Iraq
50/107	Situation of human rights in the Islamic Republic of Iran
50/108	Situation of human rights in Afghanistan
50/109	Situation of human rights in Nigeria
50/110	Human rights in Haiti
50/111	Situation of human rights in Kosovo
50/112	Situation of human rights in the Sudan
50/113	Situation of human rights in Cuba

50/114 Situation of human rights in Rwanda

50/116 Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

50/117 Situation of human rights in Myanmar

Commission on Human Rights (fifty-third session)

Resolutions

1997/1 Question of the violation of human rights in the occupied Arab territories, including Palestine

1997/2 Human Rights in the occupied Syrian Golan

1997/3 Israeli settlements in the occupied Arab territories

1997/53 Situation of human rights in Nigeria

1997/54 Situation of human rights in the Islamic Republic of Iran

1997/55 Human rights situation in southern Lebanon and West Bekaa

1997/57 Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

1997/58 Situation of human rights in Zaire

1997/59 Situation of human rights in the Sudan

1997/60 Situation of human rights in Iraq

1997/62 Human rights in Cuba

1997/63 Situation of human rights in East Timor

1997/64 Situation of human rights in Myanmar

1997/65 Situation of human rights in Afghanistan

1997/66 Situation of human rights in Rwanda

1997/67 Situation of human rights in Equatorial Guinea and assistance in the field of human rights

1997/77 Situation of human rights in Burundi

Decision

1997/121 Question of human rights in Cyprus

52. At the present session, the Sub-Commission will have before it a note by the Secretary-General containing an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, submitted pursuant to Sub-Commission resolution 1996/6 (E/CN.4/Sub.2/1997/4). The Sub-Commission will also have before it a note by the Secretary-General on relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, submitted pursuant to Sub-Commission resolution 1996/7 (E/CN.4/Sub.2/1997/5).

Item 3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination

(a) Situation of migrant workers and members of their families

(b) Xenophobia

53. The item concerning measures to combat racism and racial discrimination and the role of the Sub-Commission has been on the Sub-Commission's agenda since its thirty-first session, in 1978. At its forty-sixth session, in its resolution 1994/4, the Sub-Commission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

54. At its forty-eighth session, the Sub-Commission, in its resolution 1996/10, expressed its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world and decided, in view of the scope and seriousness of the problem, to devote close attention to the protection of migrant workers and members of their families at its forty-ninth session.

55. In its decision 1996/120, the Sub-Commission decided to entrust two of its members, Mr. José Bengoa and Mr. Mustapha Mehedi with the preparation of a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, together with two members of the Committee on the Elimination of Racial Discrimination, Mr. Ivan Garvalov and Mrs. Shanti Sadiq Ali, to be submitted to the two bodies at their respective sessions in August 1997.

56. At the present session, the Sub-Commission will have before it a note by the Secretariat (E/CN.4/Sub.2/1997/6) concerning the joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

57. The Sub-Commission will also have before it a note by the Secretariat (E/CN.4/Sub.2/1997/31) transmitting a letter from the Chairman of the Committee on the Elimination of Racial Discrimination.

58. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fifty-first session and by the Commission on Human Rights at its fifty-third session:

General Assembly

Resolutions

51/65	Violence against women migrant workers
51/79	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance
51/80	International Convention on the Elimination of All Forms of Racial Discrimination
51/81	Third Decade to combat Racism and Racial Discrimination
51/85	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Commission on Human Rights

Resolutions

1997/13	Violence against women migrant workers
1997/14	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
1997/15	Migrants and human rights
1997/73	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance
1997/74	Racism, racial discrimination, xenophobia and related intolerance

Decisions

1997/125	Racism, racial discrimination, xenophobia and related intolerance

Item 4. The realization of economic, social and cultural rights

59. The Commission, at its forty-third session, in resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35, the preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

60. At its fortieth session, the Sub-Commission, in its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur should take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission. That decision was endorsed by the Commission in its resolution 1989/13 and by the Economic and Social Council in its decision 1989/138.

61. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preliminary report (E/CN.4/Sub.2/1989/19); two progress reports (E/CN.4/Sub.2/1990/19 and E/CN.4/Sub.2/1991/17) and a final report (E/CN.4/Sub.2/1992/16).

62. At its forty-fourth session, the Sub-Commission, in its resolution 1992/29, expressed its deep appreciation to the Special Rapporteur, Mr. Danilo Türk, for his final report on the realization of economic, social and cultural rights, endorsed the recommendations contained in paragraphs 202 to 246 of that report and requested the Secretary-General to ensure the widest possible distribution of the reports of the Special Rapporteur.

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) (see also paras. 195 to 202 below)

63. At its forty-eighth session, the Sub-Commission, in its resolution 1996/24, welcomed with satisfaction the second interim report on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1996/15), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session.

64. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/8).

Income distribution

65. At its forty-fifth session, the Sub-Commission, in its resolution 1993/40, decided to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field. This decision was endorsed by the Commission in its resolution 1994/20.

66. At its forty-sixth session the Sub-Commission, in its resolution 1994/40, decided to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights and income distribution. By its decision 1995/105, the Commission on Human Rights approved the Sub-Commission's decision.

67. At its forty-eighth session, the Sub-Commission, in its resolution 1996/26, welcomed the provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur, Mr. José Bengoa, (E/CN.4/Sub.2/1996/14), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session.

68. In the same resolution, the Sub-Commission also requested the Secretary-General to organize a seminar of experts to develop appropriate indicators and to monitor the implementation of the commitments made by Governments, as set out in the Programme of Action of the World Summit for Social Development (A/CONF.166/9, para. 36 (a) to (m)).

69. At its fifty-third session, the Commission on Human Rights, in its decision 1997/115, decided to defer a decision on the Sub-Commission's request to organize the above-mentioned seminar with a view to deciding whether the activity should be held under the Commission for Social Development or the Commission on Human Rights.

70. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/9).

Forced evictions

71. At its forty-third session, the Sub-Commission, in its resolution 1991/12, decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples at its forty-fourth session.

72. The Commission on Human Rights, at its forty-ninth session, in its resolution 1993/77, adopted upon the recommendation of the Sub-Commission contained in its resolution 1992/14, requested the Secretary-General to compile an analytical report on the practice of forced eviction, based on an analysis of international law and jurisprudence and information submitted.

73. At its forty-fifth session, the Sub-Commission decided in its resolution 1993/41 to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General (E/CN.4/1994/20) under the agenda item entitled "The realization of economic, social and cultural rights".

74. At its forty-sixth session the Sub-Commission, in its resolution 1994/39, requested the Secretary-General, in accordance with paragraph 172 of his analytical report, to prepare a series of guidelines on international events and forced evictions.

75. At its forty-seventh session, the Sub-Commission had before it the report of the Secretary-General on this subject (E/CN.4/Sub.2/1995/13). In its resolution 1995/29, the Sub-Commission requested the Secretary-General to submit an updated report on the guidelines for international events and forced evictions at its forty-eighth session.

76. In the same resolution, the Sub-Commission requested the Secretary-General to convene an expert seminar on the practice of forced eviction and the relationship of this practice to internationally recognized human rights, with a view to developing comprehensive human rights guidelines on development-based displacement.

77. The Commission on Human Rights, at its fifty-second session, in its decision 1996/104, decided to recommend to the Economic and Social Council, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, to authorize the holding of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement. This recommendation was endorsed by the Council in its decision 1996/290.

78. At its forty-eighth session, the Sub-Commission had before it a report of the Secretary-General on guidelines on international events and forced evictions (E/CN.4/Sub.2/1996/11). In its resolution 1996/27, the Sub-Commission requested the Secretary-General, in accordance with Economic and Social Council decision 1996/290 of 24 July 1996, to convene an expert seminar on the practice of forced evictions and the relationship of this practice to internationally recognized human rights, with a view to developing a set of comprehensive human rights guidelines on forced evictions, including development-based displacement and forced evictions carried out in conjunction with international events, prior to the forty-ninth session of the Sub-Commission. The Secretary-General was requested to submit the report of the expert seminar and the aforementioned guidelines to the Sub-Commission at its forty-ninth session. The Sub-Commission decided to consider the issue of forced evictions at its forty-ninth session under the agenda item entitled "The realization of economic, social and cultural rights" and to determine how most effectively to continue its consideration of the issue of forced evictions.

79. At the present session, the Sub-Commission will have before it the report of the Secretary-General on the expert seminar on forced evictions (E/CN.4/Sub.2/1997/7), which was held in Geneva from 11 to 13 June 1997.

Sub-item (a) The international economic order and the promotion of human rights

80. The Sub-Commission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to its agenda an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. In its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis. No decision has been adopted under this item by the Sub-Commission since its forty-first session.

Sub-item (b) The realization of the right to development

81. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it decided to continue consideration of questions relating to the realization of the right to development as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", so as to enable the members of the Sub-Commission to contribute to the consideration by the Commission on Human Rights of the promotion of the realization of the right to development. The Sub-Commission requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade.

Sub-item (c) The question of transnational corporations

82. At its forty-sixth session, the Sub-Commission, in its resolution 1994/37, requested the Secretary-General to prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

83. At its forty-seventh session, the Sub-Commission, in its resolution 1995/31, endorsed the background document of the Secretary-General as requested in its resolution 1994/37 (E/CN.4/Sub.2/1995/11). It also requested the Secretary-General to prepare for its consideration at its forty-eighth session a report on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter.

84. At its forty-eighth session, the Sub-Commission had before it the report of the Secretary-General on the subject submitted in accordance with its resolution 1995/31 (E/CN.4/Sub.2/1996/12). In its resolution 1996/39, the Sub-Commission endorsed that report and decided to transmit the background

document prepared by the Secretary-General and the report of the Secretary-General to the Commission on Human Rights at its fifty-third session for consideration and action. The Sub-Commission considered that it would be useful for the Commission on Human Rights to establish, for a three-year period, a working group composed of five experts nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights at its fifty-third session on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify and examine the effects of the methods of work and activities of transnational corporations and business entities with franchises and licences from such corporations on economic, social and cultural rights and the right to development;

(b) To investigate, monitor, examine and receive communications and gather information on the effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development;

(c) To make recommendations and proposals aimed at regulating, at the national, regional and international levels, the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote economic, social and cultural rights and the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively. The Sub-Commission decided to continue to consider, as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", the question of the effects of the activities and working methods of transnational corporations on the enjoyment of all human rights, including the right to development.

Other matters

85. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolution 51/99, entitled "Right to development".

86. The Sub-Commission may also wish to note the following resolutions and decisions adopted by the Commission at its fifty-third session, in addition to those referred to in the foregoing paragraphs:

Resolutions

1997/7 Human rights and unilateral coercive measures

1997/8 The right to food

1997/9 Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

1996/10 Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

1997/11 Human rights and extreme poverty

1997/17 Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

1997/72 The right to development

Decisions

1997/102 Human rights and the environment

1997/103 Effects of structural adjustment policies on the full enjoyment of human rights

Item 5. The implementation of the human rights of women

87. At its thirty-seventh session, the Sub-Commission decided to include in its agenda a sub-item on the prevention of discrimination and protection of women.

88. At its fiftieth session, the Commission adopted resolution 1994/45, in which it decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session. Subsequently, the Chairman of the Commission appointed Ms. Radhika Coomaraswamy (Sri Lanka) as Special Rapporteur. The Special Rapporteur submitted reports to the Commission at its fifty-first (E/CN.4/1995/42), fifty-second (E/CN.4/1996/53 and Add.1 and Add.1/Corr.1 and Add.2) and fifty-third (E/CN.4/1997/47 and Add.1-4) sessions.

89. At its forty-sixth session, in decision 1994/101, the Sub-Commission decided to delete from its agenda the sub-item entitled "Prevention of discrimination and protection of women" and to insert a new agenda item, entitled "Prevention of discrimination against women". Subsequently, in its resolution 1994/45, the Sub-Commission decided to replace the title of the item by "The implementation of the human rights of women".

90. In the same resolution, the Sub-Commission also requested the Secretary-General to report to the Sub-Commission at its forty-seventh session on the steps taken since the World Conference on Human Rights by special

rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission to implement the integration of women's human rights into the United Nations system.

91. At its forty-seventh session, the Sub-Commission had before it a report by the Secretary-General (E/CN.4/Sub.2/1995/22). In its resolution 1995/26, entitled "Implementation of the human rights of women and the girl child", the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission. It requested the Secretary-General to obtain the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the question whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women, and to invite those bodies to formulate, in their replies, any other observations on the question of reservations to that Convention they consider appropriate. At its forty-eighth session, the Sub-Commission had before it the report of the Secretary-General (E/CN.4/Sub.2/1996/20).

92. In its resolution 1996/21, the Sub-Commission requested that, where appropriate, studies submitted at its forty-ninth session include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations. It decided to consider more fully the implications of the Beijing Platform for Action for the work of the Sub-Commission in such areas as women and poverty, the role of women in global development and the promotion of human rights, as well as additional measures to combat violence against women, including trafficking, at its forty-ninth session under the same agenda item.

Sub-item (a) Traditional practices affecting the health of women and children

93. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

94. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. The Special Rapporteur subsequently submitted to the Sub-Commission, at its forty-first and forty-third sessions, her preliminary and final reports contained, respectively, in documents E/CN.4/Sub.2/1989/42 and Add.1 and E/CN.4/Sub.2/1991/6.

95. At its forty-third session, the Sub-Commission also had before it the report of the regional seminar on that subject held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48).

96. At its forty-sixth session the Sub-Commission, in its resolution 1994/30, having taken note of the report of the regional seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

97. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Sub-Commission resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and the similarities between traditional practices affecting the health of women and children in many parts of the world.

98. At its forty-seventh session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1995/6), in connection with which it adopted resolution 1995/20.

99. At its forty-eighth session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1996/6). In its resolution 1996/19, the Sub-Commission welcomed with appreciation the analytical final report of the Special Rapporteur, Ms. Halima Embarek Warzazi. It regretted the lack of information from Governments on the implementation of the comprehensive Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) in order to put an end to those prejudicial practices and stressed, consequently, the importance of continuing to monitor measures taken by Governments towards the elimination of those traditional practices through, in particular, the implementation of the Plan of Action. The Sub-Commission decided to extend the mandate of the Special Rapporteur for a further two years in order to follow up and monitor such developments and to report to the Sub-Commission at its forty-ninth and fiftieth sessions. This decision was endorsed by the Commission on Human Rights in its decision 1997/108.

100. At the present session, the Sub-Commission will have before it the progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/10).

Sub-item (b) The role and equal participation of women in development

101. The Sub-Commission proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item on its agenda during its thirty-seventh session, in 1984.

102. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The

Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

103. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

104. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fifty-first session and by the Commission on Human Rights at its fifty-third session:

General Assembly

51/65	Violence against women migrant workers
51/66	Traffic in women and girls
51/67	Improvement of the status of women in the Secretariat
51/68	Convention on the Elimination of All Forms of Discrimination against Women
51/69	Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

Commission on Human Rights

1997/19	Traffic in women and girls
1997/13	Violence against women migrant workers
1997/43	Integrating the human rights of women throughout the United Nations system
1997/44	The elimination of violence against women.

Item 6. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

105. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

106. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group

composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

107. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Sub-Commission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

108. At its forty-eighth session, the Sub-Commission adopted resolution 1996/12 on the report of the Working Group on Contemporary Forms of Slavery. The Sub-Commission expressed its appreciation to the Working Group for its valuable work and in particular for its continued broad approach and flexible methods of work.

109. In the same resolution, the Sub-Commission, inter alia, decided: to continue to give consideration to the questions of traffic in human organs and tissues, forced labour, illegal and pseudo-adoptions, incest, domestic workers, early marriage and detained juveniles at its forty-ninth session (paras. 19, 29, 37, 45, 48 and 50); to keep the question of the eradication of bonded labour under consideration and to assess the progress achieved (para. 27); and decided, in arranging its agenda, to make provision for adequate discussion of the Working Group's report near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group (para. 63).

110. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/20, welcomed the work of the Working Group on Contemporary Forms of Slavery and took note of its recommendations. The Commission requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of that question, to be submitted to the Commission at its fifty-fifth session in order to enable the Commission to decide whether continued attention to that question was required.

111. At the present session, the Sub-Commission will have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13), which was held from 2 to 11 June 1997.

Sale of children, child prostitution and child pornography

112. In its resolution 1992/74, the Commission, at its forty-eighth session, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by the Sub-Commission. The Commission requested all States to inform periodically the Sub-Commission of measures adopted to implement the Programme of Action and on the efficacy of such measures, and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

113. At its forty-eighth session, the Sub-Commission, in its resolution 1996/12, requested the Secretary-General to invite all States to inform the working group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to submit a report thereon to the Sub-Commission at its forty-ninth session and to the Commission at its fifty-fourth session.

114. At its present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1997/11).

Exploitation of child labour and debt bondage

115. At its forty-ninth session, the Commission, in resolution 1993/79, adopted the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission and requested all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures. The Sub-Commission was requested to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

116. By its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session, and to extend that study to the problem of debt bondage.

117. At its forty-sixth session, the Sub-Commission, in its resolution 1994/5, recommended that the Commission at its fifty-first session endorse the recommendation to appoint Ms. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage.

118. At its fifty-first session, the Commission on Human Rights in its resolution 1995/27, requested the Sub-Commission to give further consideration to its proposed appointment of Ms. H.E. Warzazi as Special Rapporteur and to make the appointment subject to the submission of a preparatory document.

119. At its forty-eighth session, the Sub-Commission, in its resolution 1996/12, decided to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour. The Sub-Commission requested the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour.

120. At its fifty-third session, the Commission on Human Rights had before it for its consideration the report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (E/CN.4/Sub.2/1996/25), as transmitted by the Sub-Commission.

Traffic in persons and exploitation of the prostitution of others

121. At its forty-seventh session, the Sub-Commission, in its resolution 1995/16, recommended, inter alia, that the Commission adopt the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1), drawn up by the Working Group on Contemporary Forms of Slavery.

122. The Commission on Human Rights, at its fifty-second session, in resolution 1996/61, approved the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others while taking note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material.

123. At its forty-eighth session, the Sub-Commission, in its resolution 1996/12, welcomed the approval by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others and requested the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures.

124. In its resolution 1997/19, the Commission requested the Sub-Commission to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others.

Slavery and slave-like practices during wartime

125. At its forty-sixth session, in its decision 1994/109, the Sub-Commission decided to invite Ms. Linda Chavez to submit a working paper on the situation of systematic rape, sexual slavery and slave-like practices during wartime, including internal conflict, to the Sub-Commission at its forty-seventh session.

126. At its forty-seventh session the Sub-Commission had before it the working paper prepared by Ms. Chavez (E/CN.4/Sub.2/1995/38).

127. By its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission (resolution 1995/14) to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

128. At its forty-eighth session, the Sub-Commission, in its resolution 1996/11, welcomed the preliminary report of Ms. Linda Chavez (E/CN.4/Sub.2/1996/26), and requested the Special Rapporteur to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

129. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1997/12).

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

130. In its resolution 46/122, the General Assembly, at its forty-sixth session, decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

131. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/20, requested the Secretary-General to transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

Item 7. Human rights of indigenous peoples

Working Group on Indigenous Populations

132. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of

the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

133. The Working Group on Indigenous Populations held 14 sessions prior to 1996. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.1, E/CN.4/Sub.2/1988/24 and Add.1-2, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30, E/CN.4/Sub.2/1995/24), (E/CN.4/Sub.2/1996/21 and Corr. 1) to the Sub-Commission. These reports were also made available to the Commission.

134. At the present session, the Sub-Commission will have before it the report of the Working Group on its fifteenth session (E/CN.4/Sub.2/1997/14).

United Nations Voluntary Fund for Indigenous Populations

135. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The General Assembly, in its resolution 50/156, decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32, as well as in the deliberations of the Working Group on Indigenous Populations. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its tenth session from 21 to 25 April 1997.

136. In its resolution 1996/32, the Sub-Commission recommended that the relevant United Nations departments establish separate accounts and separate bodies for the Voluntary Fund for the International Decade and the Voluntary Fund for Indigenous Populations and, if possible, transfer the financial management of the Funds from New York to Geneva.

International Decade of the World's Indigenous People

137. The General Assembly, at its forty-eighth session, in resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the period 1 January

to 9 December 1994 to be set aside for planning for the Decade in partnership with indigenous people. The General Assembly also requested the Commission on Human Rights to invite the Working Group on Indigenous Populations to identify a date every year that might be observed as the International Day of Indigenous People; in the same resolution the Working Group was requested to identify possible programmes and projects in connection with the Decade and to submit them through the Sub-Commission to the Commission on Human Rights for its consideration.

138. At its forty-sixth session, the Sub-Commission, in its resolution 1994/47, decided to recommend that the International Day of Indigenous People be observed every year on 9 August.

139. The General Assembly, in its resolution 49/214, adopted a short-term programme of activities for 1995 and invited the Commission on Human Rights to consider it with a view to adjusting or supplementing it if required. The Assembly also decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. The Commission on Human Rights, in its resolution 1995/28, decided that the final programme of activities for 1995 should be that contained in the annex to that resolution. The suggestions of the Working Group on Indigenous Populations relating to the programme of the Decade were contained in its report (E/CN.4/Sub.2/1995/24).

140. The General Assembly, in its resolution 50/157, adopted the programme of activities for the Decade contained in the annex to its resolution. In its resolution 1996/39, the Commission on Human Rights welcomed the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the International Decade of the World's Indigenous People. The second session of the advisory body was held from 16 to 18 April 1997.

141. The General Assembly, in its resolution 51/78, inter alia, noted that the programme of activities for the International Decade of the World's Indigenous People may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles.

142. The Commission on Human Rights, in its resolution 1997/32, recommended, inter alia, that the High Commissioner for Human Rights assume responsibility for coordination of the Decade.

Permanent forum for indigenous people

143. In its resolution 48/163, the General Assembly requested the Commission on Human Rights to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28 of 4 March 1994, the Commission requested the Working Group on Indigenous Populations to consider the question and submit its suggestions, through the Sub-Commission, to the Commission.

144. At its forty-sixth session, the Sub-Commission, in its resolution 1994/50, recommended that the Centre for Human Rights organize a workshop on a possible permanent forum with the participation of representatives of Governments, indigenous organizations and independent experts. The Commission on Human Rights, in its resolution 1995/30, endorsed the recommendation to hold such a workshop. A workshop on a possible permanent forum for indigenous people was organized in Copenhagen from 26-28 June 1995 and its report (E/CN.4/Sub.2/AC.4/1995/7) was submitted to the Working Group on Indigenous Populations at its thirteenth session. The suggestions of the Working Group relating to the permanent forum were contained in its report (E/CN.4/Sub.2/1995/24).

145. At its forty-eighth session, the Sub-Commission, in its resolution 1996/35, recommended that the Centre for Human Rights, drawing on the results of the Secretary-General's review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and of the workshop on a possible permanent forum for indigenous people held in Copenhagen in June 1995, and in accordance with General Assembly resolution 50/157 of 21 December 1995, organize a second workshop on a permanent forum for indigenous people in early 1997.

146. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/30, took note of the recommendation of the General Assembly in Assembly resolution 50/157 that the Commission on Human Rights, drawing on the results of the Copenhagen workshop (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3) and the Secretary-General's review, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people, and welcomed the offer of the Government of Chile to host such a workshop.

147. In accordance with the above-mentioned resolutions, the High Commissioner/Centre for Human Right organized a second workshop on a permanent forum for indigenous people in Santiago de Chile from 30 June to 2 July 1997. The results of the workshop were made available at the fifteenth session of the Working Group on Indigenous Populations.

Religious freedom of indigenous peoples

148. At its forty-eighth session, the Sub-Commission, in its resolution 1996/36, invited the Special Rapporteur of the Commission on Human Rights on religious intolerance to take into account, in preparing his reports and organizing his field missions, the specific problems faced by indigenous people relating to the destruction and violation of their sacred sites and religious ceremonies. The Special Rapporteur was also invited to take into account the spiritual relationship these indigenous communities have with the land and the significance of traditional lands for the practice of their religion, and to examine the history of events which are responsible for the violation of these communities' right to freedom of religion and religious practice. The Sub-Commission recommended that the Special Rapporteur explore in depth the impact that outside influences have on these communities' ability to practise their religion.

Protection of the heritage of indigenous people

149. At its forty-second session, the Sub-Commission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples.

150. At its forty-third session, the Sub-Commission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Sub-Commission decided to entrust Ms. Daes with the further task of preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Daes was appointed Special Rapporteur to prepare a study on this issue.

151. At its forty-fourth session, the Sub-Commission, in resolution 1992/35, requested the Special Rapporteur to include in her study, inter alia, a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, and preliminary views on the feasibility of developing a United Nations manual of indigenous laws in that field. The Sub-Commission recommended that the Special Rapporteur also include a consideration of the relationship between indigenous cultural and intellectual property, as well as recommendations for further research and action on intellectual property, and that the title of the study should be revised to "Protection of the cultural and intellectual property of indigenous peoples".

152. At its forty-fifth session, the Sub-Commission had before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Sub-Commission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples and to submit a report to the Sub-Commission.

153. By its decision 1994/274 of 25 July 1994, the Economic and Social Council, noting Commission on Human Rights decision 1994/105 of 4 March 1994, authorized the Special Rapporteur to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people, and approved the new title of the study: "Protection of the heritage of indigenous people".

154. At its forty-sixth session, the Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/1994/31), as well as proposed principles and guidelines prepared by the Special Rapporteur, annexed to the report. In its resolution 1994/48, the Sub-Commission requested the Secretary-General to submit the principles and guidelines to indigenous peoples' organizations, nations and communities, Governments, specialized agencies and intergovernmental and non-governmental organizations concerned for their comments. The Sub-Commission requested the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session.

155. At its forty-seventh session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/26). In its resolution 1995/40, the Sub-Commission took note of the limited number of replies received from Governments, indigenous communities and organizations and other parties concerned and requested that the report be resubmitted to the above-mentioned parties as well as to the specialized agencies. The Special Rapporteur was requested to prepare a supplementary report and to submit it to the Sub-Commission at its forty-eighth session. At that session, the Sub-Commission had before it the supplementary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/22).

156. In its resolution 1996/37, the Sub-Commission requested the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider how they could contribute to her work and to transmit the report of that meeting to the Sub-Commission and the Commission on Human Rights. The Sub-Commission endorsed the recommendation of the Special Rapporteur that a member of the Working Group on Indigenous Populations should be entrusted with a mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people in order to facilitate cooperation and coordination between the Working Group and these bodies and to promote the greatest possible level of participation of indigenous people in their efforts.

157. The High Commissioner/Centre for Human Rights organized the technical meeting of representatives of the United Nations agencies referred to in Sub-Commission resolution 1996/37 on 6 and 7 March 1997. The report of the technical meeting is contained in document E/CN.4/Sub.2/1997/15.

158. The Commission on Human Rights, in its decision 1997/112 decided to recommend that Ms. Erica-Irene Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts.

Indigenous land rights

159. At its forty-eighth session, the Sub-Commission, in its resolution 1996/38, recommended that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, inter alia, provide: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and of the problems that continue to exist in this regard; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights.

160. At its fifty-third session, the Commission on Human Rights, in its decision 1997/114, approved the appointment of Ms. Erica-Irene Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard. The Commission requested the Special Rapporteur: (a) to submit a preliminary working paper to the Working Group on Indigenous Populations at its fifteenth session and to the Sub-Commission at its forty-ninth session; (b) to transmit the working paper to Governments and indigenous organizations for their views, which the Special Rapporteur should take into account, inter alia, in preparing her final working paper; (c) to submit her final working paper to the Working Group at its sixteenth session and to the Sub-Commission at its fiftieth session.

161. At the present session, the Sub-Commission will have before it the preliminary working paper prepared by Ms. Erica-Irene A. Daes (E/CN.4/Sub.2/1997/17).

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

162. In its resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. In the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

163. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

164. In its resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

165. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

166. At its forty-fourth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32). By its decision 1992/110, the Sub-Commission requested the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. This decision was endorsed by the Commission in its decision 1993/105.

167. At its forty-sixth session, the Sub-Commission, in its decision 1994/116 decided to recommend to the Special Rapporteur to submit the second progress report to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session.

168. At its forty-seventh session, the Sub-Commission had before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/27). In its decision 1995/118, the Sub-Commission expressed its satisfaction for the second progress report of the Special Rapporteur and requested him to submit a third progress report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session. It also requested the Secretary-General to provide specialized research assistance as well as the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country.

169. At its forty-eighth session, the Sub-Commission had before it the third progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/23). In its decision 1996/118, the Sub-Commission requested the Special Rapporteur to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session. The Secretary-General was requested to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights. This decision was endorsed by the Commission on Human Rights in its decision 1997/113.

170. In accordance with Sub-Commission decision 1995/118, the Special Rapporteur undertook a field mission to New Zealand from 13 to 23 May 1997.

171. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/16 and Add.1).

Other matters

172. In discussing this item, the Sub-Commission may also wish to take into account the reports of the first and second sessions of the working group established in accordance with Commission on Human Rights resolution 1995/32 (E/CN.4/1996/84 and E/CN.4/1997/102). The working group was established for

the sole purpose of elaborating a draft declaration, considering the "Draft United Nations declaration on the rights of indigenous peoples" as adopted by the Sub-Commission in its resolution 1994/45.

Item 8. Protection of minorities

173. The Sub-Commission, at its fortieth session, in resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

174. At its forty-first session, the Sub-Commission, in resolution 1989/44, having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its forty-second and future sessions under a separate agenda item.

175. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates, and requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

176. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities.

177. At its forty-sixth session, having examined the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report, submitted in 1993, the Sub-Commission, in its resolution 1994/4, requested the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report. The Sub-Commission also recommended that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities. The Sub-Commission approved the following composition of the working group: Mr. Bengoa (Latin America), Mr. Eide (Western Europe), Mr. Khalil (Africa), Mr. Ali Khan (Asia) and Mr. Chernichenko (Eastern Europe).

178. The Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging

to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

179. At its forty-eighth session, the Sub-Commission had before it the reports of the Working Group on Minorities on its first (E/CN.4/Sub.2/1996/2) and second (E/CN.4/Sub.2/1996/28) sessions. In its resolution 1996/17, the Sub-Commission endorsed the recommendations made in the reports of the two sessions of the Working Group. The Sub-Commission urged the Working Group on Minorities to continue to act as the main forum for consideration and possible resolution of problems between minorities and Governments, as well as among minorities themselves, drawing on the expertise of scholars, among others, including those present at its sessions. The Sub-Commission invited the Working Group to elaborate and submit to the Sub-Commission and through it to the Commission on Human Rights criteria concerning the content and scope of the rights contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation. The Working Group was also invited to increase its cooperation with the United Nations High Commissioner for Human Rights with a view to strengthening his preventive activities and enhancing his responses to minority situations warranting urgent action. The Sub-Commission recommended that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group for a further two years with a view to its holding one session annually until 1999.

180. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/16, commended the role of the Working Group on Minorities as an important forum for the promotion of the rights of persons belonging to minorities. The Commission invited the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, inter alia, the extension of its mandate.

181. At the present session, the Sub-Commission will have before it the report of the Working Group on its third session (E/CN.4/Sub.2/1997/18), which was held from 26 to 30 May 1997.

182. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolution 51/91, entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities".

Item 9. The administration of justice and the human rights of detainees

Sessional working group on the administration of justice and the question of compensation

183. At its thirty-fourth (1981) and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

184. At its forty-sixth session, the Sub-Commission decided, by its decision 1994/104, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

185. At its forty-seventh session, the Sub-Commission adopted decision 1995/117, in which it decided to request its sessional working group on the administration of justice and the question of compensation to continue with priority, at the forty-eighth session, the consideration of the basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" (E/CN.4/Sub.2/1993/8), with a view to making substantive progress in the matter. Mr. van Boven was requested to submit, without financial implications, in time for the Sub-Commission's consideration at its forty-eighth session, a revised set of proposed basic principles and guidelines on remedies in the light of existing relevant international instruments, taking into account the new comments received from States and intergovernmental organizations and non-governmental organizations, as well as the relevant sections of the report of the working group on the administration of justice and the question of compensation.

186. At its forty-eighth session the Sub-Commission had before it the revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law prepared by Mr. van Boven (E/CN.4/Sub.2/1996/17). In its resolution 1996/28, the Sub-Commission decided to transmit the revised draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law to the Commission on Human Rights for its consideration together with the comments of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1996/16, paras. 10-32), and the comments of the Sub-Commission during its forty-eighth session. The Sub-Commission requested the former Special Rapporteur, Mr. Theo van Boven, to prepare, without financial implications, a note taking into account the above-mentioned comments and observations of the working group and the Sub-Commission, in order to facilitate the examination by the Commission on Human Rights of the draft revised basic principles and guidelines.

187. In connection with this issue, the attention of the Sub-Commission is also drawn to Commission resolution 1997/29.

The right to a fair trial

188. The Sub-Commission, at its forty-first session, adopted resolution 1989/27, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial.

189. The Special Rapporteurs submitted their preparatory, preliminary and progress reports (E/CN.4/Sub.2/1990/34, E/CN.4/Sub.2/1991/29, E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-2), to the Sub-Commission at its forty-second, forty-third, forty-fourth and forty-fifth sessions.

190. The Sub-Commission, at its forty-sixth session, had before it the final report of the Special Rapporteurs (E/CN.4/Sub.2/1994/24), which included recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights, and a draft body of principles on the right to a fair trial and a remedy.

191. At its fifty-first session, the Commission on Human Rights, in its decision 1995/110, noting Sub-Commission resolution 1994/35, endorsed the proposal by the Sub-Commission that the full study of the Special Rapporteurs be published and given the widest possible distribution. The Commission also decided to consider at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

192. No decision was taken by the Commission on this issue at its fifty-second session.

193. At its forty-eighth session, the Sub-Commission, in its resolution 1996/29, requested that Mr. Stanislav Chernichenko work in cooperation with Mr. David Weissbrodt to compile and update the study on the right to a fair trial and a remedy so that it could be published in one volume in the United Nations Human Rights Study Series in all the official languages of the United Nations.

194. At its fifty-third session, the Commission on Human Rights, in its decision 1997/109, decided to endorse the requests by the Sub-Commission that Mr. Stanislav Chernichenko and Mr. David Weissbrodt compile and update the study on the right to a fair trial and a remedy initially prepared by Mr. Chernichenko and Mr. William Treat, and that the full study, entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", be published in all the official languages of the United Nations.

Question of the impunity of perpetrators of violations of human rights

195. By its decision 1991/110, the Sub-Commission, taking into account the interest shown at its forty-third session in the working paper on measures to be taken to combat the increasingly widespread practice of impunity for

perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5), decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper expanding and elaborating upon the above-mentioned paper, for consideration by the Sub-Commission at its forty-fourth session.

196. At its forty-fourth session the Sub-Commission, in its resolution 1992/23, took note with satisfaction of the working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18) and decided to request them to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice. This decision was endorsed by the Commission in its resolution 1993/43.

197. At its forty-fifth session the Sub-Commission adopted resolution 1993/37, in which it welcomed the preliminary report (E/CN.4/Sub.2/1993/6) on the question of the impunity of perpetrators of violations of human rights (civil and political rights).

198. At its forty-sixth session the Sub-Commission, in its resolution 1994/34, welcomed with satisfaction the preliminary report (E/CN.4/Sub.2/1994/11) on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) and decided, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights.

199. At its forty-seventh session, the Sub-Commission had before it the reports of the two Special Rapporteurs (E/CN.4/Sub.2/1995/18 and E/CN.4/Sub.2/1995/19) (see also paras. 63-64 above).

200. In its resolution 1995/35, the Sub-Commission welcomed with satisfaction the progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights) prepared by Mr. Louis Joinet (E/CN.4/Sub.2/1995/18), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session. The Sub-Commission decided to consider the question of the impunity of perpetrators of violations of human rights (civil and political rights) at its forty-eighth session under the agenda item entitled "The administration of justice and the human rights of detainees".

201. At its forty-eighth session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/18). In its decision 1996/119, the Sub-Commission, having considered that report decided to request the Special Rapporteur to submit to it at its forty-ninth session a revised version of the set of principles for the protection and promotion of human rights through action to combat impunity contained in annex II of the final report, taking into account the comments and observations received.

202. At the present session, the Sub-Commission will have before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/20).

Sub-item (a) Question of human rights and states of emergency

203. In its resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Sub-Commission considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was undertaken by Ms. Nicole Questiaux, who submitted her final report (E/CN.4/Sub.2/1982/15) to the Sub-Commission at its thirty-fifth session.

204. In its resolution 1983/18, the Commission requested the Sub-Commission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

205. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency.

206. The Special Rapporteur, Mr. Leandro Despouy, has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh, eighth and ninth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1; E/CN.4/Sub.2/1996/19 and Corr.1 and Add.1).

207. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

208. The Sub-Commission, at its forty-eighth session, in its resolution 1996/30, requested the Special Rapporteur to update the list of States which have proclaimed, extended or terminated a state of emergency with a view to its consideration by the Sub-Commission at its forty-ninth session, and requested him to submit final conclusions on the protection of human rights during states of emergency, together with specific recommendations as to how this question should be dealt with in the future.

209. The Commission, in its decision 1997/110, recommended that the Economic and Social Council endorse the Sub-Commission's requests to the Special Rapporteur concerning his mandate.

210. At the present session, the Sub-Commission will have before it the tenth annual report and list prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/19 and Add.1).

Sub-item (b) Application of international standards concerning the human rights of detained juveniles

211. In its resolution 1989/31, the Sub-Commission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30) and to submit the revision to the Sub-Commission at its forty-second session. In addition, it decided to appoint Mrs. María Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Sub-Commission, in its resolution 1990/21, extended the mandate of Mrs. Bautista until its forty-third session. The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) to the Sub-Commission at its forty-third session.

212. In its resolution 1991/16, the Sub-Commission, at its forty-third session, requested the Special Rapporteur to submit to it, at its forty-fourth session, an updated report containing further information concerning successful efforts to implement international standards, observations relating to practices that are not compatible with relevant international standards, and recommendations concerning measures that should be taken by States and the international community to increase effective recognition and protection of the rights of detained juveniles.

213. At its forty-fourth session, the Sub-Commission, in resolution 1992/25, congratulated the Special Rapporteur, Mrs. María Concepción Bautista, on the contents of her final report (E/CN.4/Sub.2/1992/20), and welcomed the proposal by the Secretary-General, contained in his note (E/CN.4/Sub.2/1992/20/Add.1), to organize a meeting of experts on the application of international standards concerning the human rights of detained juveniles.

214. The expert group meeting on children and juveniles in detention was organized by the Centre for Human Rights, with the cooperation of the Crime Prevention and Criminal Justice Branch and the Government of Austria, at Vienna from 30 October to 4 November 1994.

215. At its forty-seventh session, the Sub-Commission had before it the report of the Secretary-General on the expert group meeting on children and juveniles in detention: application of human rights standards (E/CN.4/1995/100).

216. No decisions were adopted by the Sub-Commission on this issue at its forty-seventh and forty-eighth sessions.

217. The Sub-Commission may wish to note Commission resolution 1996/32 and decision 1997/106 on the question of children and juveniles in detention.

Other matters

218. With regard to the issues under this item, the Sub-Commission may also wish to note the following resolutions adopted by the Commission at its fifty-third session, in addition to those referred to in the foregoing paragraphs:

1997/12	Question of the death penalty
1997/23	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
1997/24	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
1997/25	United Nations staff
1997/26	Question of enforced or involuntary disappearances
1997/27	Right to freedom of opinion and expression
1997/28	Hostage-taking
1997/50	Question of arbitrary detention.

Item 10. Freedom of movement

219. At its forty-fourth session, the Sub-Commission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item provisionally entitled "Freedom of movement".

Sub-item (a) Population displacements

220. At its forty-sixth session, the Sub-Commission by its resolution 1994/24 decided to include, under the agenda item "Freedom of movement", a sub-item relating to questions of displacement entitled "Population displacement".

221. At its forty-seventh session, the Sub-Commission, in its resolution 1995/13 entitled "The right to freedom of movement", requested the inter-sessional working group on minorities of the Sub-Commission to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced. The Sub-Commission decided to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement".

Human rights and population transfer

222. In its resolution 1990/17, the Sub-Commission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

223. In its resolution 1991/28, the Sub-Commission, at its forty-third session, recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and other relevant materials.

224. At its forty-fourth session, in resolution 1992/28, the Sub-Commission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

225. At its forty-fifth session the Sub-Commission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study and to submit a progress report to the Sub-Commission at its forty-sixth session.

226. At its forty-sixth session, the Sub-Commission in resolution 1994/42 decided to consider the final report of the Special Rapporteur at its forty-seventh session under the agenda item entitled "Freedom of movement".

227. At its forty-seventh session, the Sub-Commission, in its decision 1995/111, bearing in mind that the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, Mr. Awn Al-Khasawneh, was not in a position to submit his final report to the Sub-Commission at its forty-seventh session, decided to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session.

228. At its forty-eighth session, the Sub-Commission had before it a note by the Secretary-General on the final report of the Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1996/29). As the Special Rapporteur, Mr. Al-Khasawneh, was not in a position to submit his final report to the Sub-Commission at its forty-eighth session, the Sub-Commission in its resolution 1996/9, strongly requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session. In the same resolution, the Sub-Commission reiterated its request to the Secretary-General that he convene an expert seminar on population transfer,

in close cooperation with relevant intergovernmental and non-governmental organizations, in time for its conclusions to be of use for the final report of the Special Rapporteur.

229. The expert seminar on population transfer was held at Geneva from 17 to 21 February 1997.

230. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/23).

Sub-item (b) The right to leave and seek asylum and the right to return

231. At its fortieth session, in resolution 1988/39, the Sub-Commission, having noted the report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda at its forty-first session.

232. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

233. No action was taken by the Commission on Human Rights on this issue at its forty-eighth and subsequent sessions.

234. In its resolution 1995/13, the Sub-Commission decided to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return. In its resolution 1996/9, the Sub-Commission decided to continue to study the question of the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return.

235. In its decision 1996/102, the Sub-Commission decided to add a new sub-item, entitled "The right to leave any country, including one's own, and to return to one's own country", to the item of its agenda entitled "Freedom of Movement".

236. In its decision 1996/109, the Sub-Commission, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided to entrust Mr. Volodymyr Boutkevitch with the task of preparing, without financial implications, a working paper on the right to freedom of movement and related issues and to submit it to the Sub-Commission at its forty-ninth session.

237. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Boutkevitch (E/CN.4/Sub.2/1997/22).

238. In connection with this item the attention of the Sub-Commission is also drawn to General Assembly resolution 51/89, entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification", and Commission on Human Rights resolution 1997/39, entitled "Internally displaced persons".

Item 11. Review of further developments in fields with which the Sub-Commission has been or may be concerned

239. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-ninth session, will have before it a note by the Secretary-General containing a review of further development in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1997/24).

240. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1997/25 and E/CN.4/Sub.2/1997/26 respectively.

Discrimination against HIV-infected people or people with AIDS

241. At its forty-first session, the Sub-Commission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS, taking into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened at Geneva from 26 to 28 July 1989 (HR/PUB/90/2).

242. The Special Rapporteur subsequently submitted to the Sub-Commission his preliminary progress and final reports in documents E/CN.4/Sub.2/1990/9, E/CN.4/Sub.2/1991/10, E/CN.4/Sub.2/1992/10 and E/CN.4/Sub.2/1993/9.

243. The Sub-Commission at its forty-sixth session had before it the report of the Secretary-General on developments in the United Nations system concerning HIV/AIDS, in particular the progress made in establishing a joint and co-sponsored United Nations programme on HIV/AIDS (E/CN.4/Sub.2/1994/8).

244. At its forty-eighth session, the Sub-Commission adopted resolution 1996/33 in which it, inter alia, decided to keep the issue of HIV/AIDS-related discrimination and human rights violations under continuous review, and to give consideration to this issue under all relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

245. The Commission, at its fifty-third session, had before it a report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37), which presented the outcome of the Consultation, including the Guidelines recommended by the expert participants for States on the protection and promotion of fundamental rights and freedoms in the context of HIV/AIDS, and strategies for their dissemination and

implementation. The Commission, in its resolution 1997/33, inter alia, invited all States to consider the Guidelines recommended by the experts who participated in the Second International Consultation on HIV/AIDS and Human Rights, as contained in document E/CN.4/1997/37 and summarized in the annex to the resolution.

Human rights and scientific and technological developments

246. The Sub-Commission, at its forty-fourth session, adopted decision 1992/104, in which it decided to consider under this item the possibility of elaborating new human rights standards relating to scientific developments which could affect the mental condition or the genetic structure of human beings.

247. At its forty-eighth session, the Sub-Commission, in its decision 1996/110, recognizing that everyone has the right to enjoy the benefits of scientific progress and its applications, and noting that certain advances, notably in the biomedical and life sciences, as well as in information technology, might have potentially adverse consequences for the integrity, dignity and human rights of the individual, decided to entrust Mr. Osman El-Hajjé with the task of preparing, without financial implications, a working paper on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual.

248. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. El-Hajjé (E/CN.4/Sub.2/1997/34).

249. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/71, entitled "Human rights and bioethics", requested the Sub-Commission, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect. The attention of the Sub-Commission is also drawn to the Commission on Human Rights decision 1997/122, entitled "Human rights and the follow-up to the guidelines for the regulation of computerized personal data files".

Recognition of gross and massive violations of human rights as an international crime

250. At its forty-fifth session, the Sub-Commission, in its resolution 1993/30, expressed its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime (E/CN.4/Sub.2/1993/10 and Corr.1) and decided to recommend that the Commission on Human Rights appoint him as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

251. The Commission on Human Rights, at its fiftieth session, decided, by its decision 1994/103, to request the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the

above-mentioned report. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

252. At its forty-sixth session the Sub-Commission, in its resolution 1994/28, having taken into account decision 1994/103 of the Commission on Human Rights and having considered, however, that the preparation of that report was very important and opportune, decided to recommend to the Commission the appointment of Mr. Chernichenko as Special Rapporteur.

253. At its fifty-first session, the Commission on Human Rights, in its decision 1995/111, requested the Sub-Commission, bearing in mind the work of the other United Nations bodies on that issue, to reconsider its recommendation to appoint a special rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime.

254. At its forty-seventh session, the Sub-Commission, in its resolution 1995/22, having taken into account Commission on Human Rights decision 1995/111, reaffirmed its recommendation to the Commission regarding the appointment of Mr. Chernichenko as Special Rapporteur.

255. At its fifty-second session, the Commission on Human Rights, in its decision 1996/105, having taken note of resolution 1995/22 of the Sub-Commission and bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

256. At its forty-eighth session, the Sub-Commission, in its decision 1996/116, believing that an expanded working paper on the subject would contribute to a better understanding of the subject and would not interfere with the work of other United Nations bodies, decided, without a vote, to request Mr. Stanislav Chernichenko to prepare, without financial implications, an expanded working paper to be entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime", and to submit the expanded working paper in time to be considered by the Sub-Commission at its forty-ninth session.

257. At the present session, the Sub-Commission will have before it the expanded working paper prepared by Mr. Chernichenko (E/CN.4/Sub.2/1997/29).

Democratic society

258. The Commission on Human Rights at its fifty-first session, adopted resolution 1995/60, in which, inter alia, it recommended that the

Sub-Commission discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights.

259. At its forty-seventh session, the Sub-Commission, in its decision 1995/116, decided to request Mr. Osman El-Hajjé to prepare, without financial implications, a working paper on democracy and the establishment of a democratic society, to be submitted to it at its forty-eighth session.

260. At its forty-eighth session, the Sub-Commission had before it a working paper prepared by Mr. El-Hajjé (E/CN.4/Sub.2/1996/7). In its decision 1996/117, the Sub-Commission decided to request Mr. Osman El-Hajjé to prepare, without financial implications, an expanded working paper on ways and means of promoting democracy, how democracy can ensure economic, social, cultural and political rights and how to overcome obstacles to democracy, and to present the expanded working paper to the Sub-Commission at its forty-ninth session.

261. At the present session, the Sub-Commission will have before it the expanded working paper prepared by Mr. El-Hajjé (E/CN.4/Sub.2/1997/30).

Sub-item (a) Review of developments related to recommendations made in earlier studies

(i) Promotion, protection and restoration of human rights at national, regional and international levels

262. In order to streamline its work, the Sub-Commission, at its thirty-sixth session, decided to combine and discuss together various interrelated questions which previously constituted separate items of its agenda. As a result, the present sub-item (a) (i) has been included in the agenda since that session.

263. In discussing this question, the Sub-Commission may also wish to take into account the following resolutions adopted by the Commission on Human Rights at its fifty-third session:

1997/34 Regional arrangements for the promotion and protection of human rights

1997/35 Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

1997/40 National institutions for the promotion and protection of human rights

1997/41 Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

1997/45 Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

1997/46 Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

1997/48 Assistance to States in strengthening the rule of law

1997/69 Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Sub-item (a) (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief

264. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Feligion or Belief (resolution 36/55), consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

265. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration.

266. At its forty-fifth session the Sub-Commission, in its resolution 1993/2, having taken into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), reaffirmed its willingness to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief.

267. The attention of the Sub-Commission is drawn to Commission on Human Rights resolution 1997/18, in which the Commission took note of the report of the Special Rapporteur of the Commission on the question of religious intolerance (E/CN.4/1997/91 and Add.1).

Sub-item (a) (iii) Encouragement of universal acceptance of human rights instruments

268. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission to consider ways and means of encouraging Governments which have not yet done so to ratify or adhere to international human rights instruments. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual session of the Sub-Commission, to write to Governments which had not yet accepted the human rights instruments, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance. The

Sub-Commission invited its sessional Working Group to examine the replies received from Governments and to consider what forms of assistance could be provided to Governments by the United Nations in that regard.

269. At its thirty-eighth session, the Sub-Commission, in resolution 1985/5, decided to suspend the work of the Working Group until further review of its mandate and requested its Chairman to appoint one of its members to report to it on information received under the resolution.

270. At its forty-sixth session, the Sub-Commission, in its resolution 1994/31, considering that since 1979, the year when the Sub-Commission began systematically to address the issue of encouraging universal ratification of international human rights instruments, no substantive progress has been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments, and taking note of the absence of any formal response from Member States to the invitations extended to them to offer clarification as to why they were unable to ratify those instruments, decided to discontinue consideration of this matter under a separate agenda item. the Sub-Commission also decided to take up these issues when they arose under the existing items of its agenda.

Sub-item (b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine

(i) Terrorism and human rights

271. At its forty-sixth session, the Sub-Commission, in its resolution 1994/18, decided, in accordance with Commission on Human Rights resolution 1994/46, to entrust Mr. Saïd Naceur Ramadhane with the task of preparing, without financial implications, a working paper on the question of terrorism and human rights, to be considered at its forty-seventh session.

272. No working paper was submitted by Mr. Ramadhane to the Sub-Commission.

273. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing, in accordance with guideline No. 2 contained in the annex to Sub-Commission resolution 1992/8 of 26 August 1992 on its methods of work, without financial implications, a working paper on the question of terrorism and human rights, to be considered at its forty-ninth session.

274. At the present session, the Sub-Commission will have before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28).

275. The attention of the Sub-Commission is also drawn to Commission on Human Rights resolution 1997/42, entitled "Human rights and terrorism".

Sub-item (b) (ii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

276. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Sub-Commission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

277. At its thirty-eighth session, the Sub-Commission, in its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life". In its resolution 1985/34, the Sub-Commission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

278. At its forty-first session, the Sub-Commission, in its resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

279. At its forty-third session, the Sub-Commission had before it the working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1). By its decision 1991/106, the Sub-Commission decided to suspend the debate on the agenda item and to include the item in the provisional agenda of its forty-fourth session.

280. At its forty-fourth session, the Sub-Commission, in its resolution 1992/7, requested Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session.

281. At its forty-sixth session, the Sub-Commission had before it the supplementary working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1994/29). By its decision 1994/107, the Sub-Commission decided to postpone consideration of this item until its forty-seventh session.

282. At its forty-seventh session, the Sub-Commission, in its resolution 1995/24 entitled "Injurious effects of anti-personnel landmines", decided to consider this question at its forty-eighth session under this agenda item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

283. At its forty-eighth session, the Sub-Commission, in its resolution 1996/15, decided to consider the question of the injurious effects of anti-personnel landmines at its forty-ninth session under the same agenda

item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

284. In its resolution 1996/16, the Sub-Commission requested the Secretary-General:

(a) To collect information from Governments, the competent United Nations bodies and agencies and non-governmental organizations on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium, on their consequential and cumulative effects, and on the danger they represent to life, physical security and other human rights;

(b) To submit a report on the information gathered to the Sub-Commission at its forty-ninth session, together with any recommendations and views which he might have received on effective ways and means of eliminating such weapons.

The Sub-Commission decided to give further consideration to this matter at its forty-ninth session, on the basis of any additional information which might be contained in reports of the Secretary-General to the Sub-Commission or to other United Nations bodies, or which might be submitted to the Sub-Commission by Governments or non-governmental organizations.

285. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1997/27).

Sub-item (c) Other new developments

Human rights and arbitrary deprivation of nationality

286. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/36, entitled "Human rights and arbitrary deprivation of nationality", requested the Secretary-General to transmit the resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission and to request their views thereon.

Item 12. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

287. In its resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted resolution 1 (XXIV) of 13 August 1971 containing provisional

procedures for dealing with the question of admissibility of communications. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. It has met annually prior to each session of the Sub-Commission and submitted to it a confidential report.

288. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

289. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

290. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

291. A number of other procedural steps have been taken at the Commission level, or by the Economic and Social Council, with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). From 1974 to 1989, the Commission every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations as to what course of action the Commission might take in respect of each particular situation. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

292. By decision 1990/112, the Sub-Commission decided that the Working Group on Communications, acting under paragraph 2 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held from 22 July to 2 August 1996, the Working Group on Communications will,

accordingly, consider communications received and processed by the Secretariat since 22 April 1995 and forwarded to the Governments concerned not later than 26 April 1996.

293. Since its forty-first session in 1989, the Sub-Commission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). In 1989 and 1990, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, since 1991, by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Sub-Commission.

294. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-ninth session.

295. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications on its meetings from 21 July to 1 August 1997;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The text of the confidential decisions of the Commission's fifty-third session and other documents relating thereto, including the confidential summary records of that session, as available;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) from May 1996 to April 1997, as well as available documents containing government replies received since July 1996.

296. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 13. Concluding items

Sub-item (a) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fiftieth session of the Sub-Commission

297. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the

legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

298. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-ninth session, a note containing a draft provisional agenda for the fiftieth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1997/L.1).

Sub-item (b) Adoption of the report on the forty-ninth session

299. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the secretariat.

Annex

MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the fifty-fourth (1998) session or at the fifty-sixth (2000) session of the Commission on Human Rights.

Mr. Miguel Alfonso Martínez	(Cuba)	2000
* Ms. Marianela Ferriol Echevarría		
Mr. Mohammed Sardar Ali Khan	(India)	1998
Mrs. Judith Sefi Attah	(Nigeria)	1998
* Mrs. Christy Ezim Mbonu		
Mr. José Bengoa	(Chile)	1998
Mr. Marc Bossuyt	(Belgium)	2000
* Mr. Guy Genot		
Mr. Volodymyr Boutkevitch	(Ukraine)	2000
* Mr. Oleg Shamshur		
Mr. Stanislav V. Chernichenko	(Russian Federation)	1998
* Mr. Teimuraz O. Ramishvili		
Ms. Erica-Irene A. Daes	(Greece)	1998
* Ms. Kalliopi Koufa		
Mr. Asbjørn Eide	(Norway)	2000
* Mr. Jan Helgesen		
Mr. Osman El-Hajjé	(Lebanon)	1998
Mr. Fan Guoxiang	(China)	1998
* Mr. Zhong Shukong		
Mrs. Clemencia Forero Ucros	(Colombia)	2000
* Mr. Alberto Diaz Uribe		
Mr. El-Hadji Guissé	(Senegal)	1998
* Mr. Ndary Toure		
Ms. Lucy Gwanmesia	(Cameroon)	1998

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* Alternate

Mr. Ribot Hatano * Mr. Yozo Yokota	(Japan)	2000
Mr. Louis Joinet * Mr. Emmanuel Decaux	(France)	1998
Mr. Ahmad Khalifa * Mr. Ahmed Khalil	(Egypt)	2000
Mr. Miguel Limón Rojas * Mr. Héctor Fix Zamudio	(Mexico)	1998
Mr. José Augusto Lindgren Alves * Ms. Marília S. Zelner Gonçalves	(Brazil)	1998
Mr. Ioan Maxim * Mr. Antoanella Iulia Motoc	(Romania)	2000
Mr. Mustapha Mehedi	(Algeria)	2000
Ms. Claire Palley * Mr. John Merrills	(United Kingdom of Great Britain and Northern Ireland)	1998
Mr. Sang Yong Park * Mr. Myung Chul Hahm	(Republic of Korea)	2000
Ms. Halima Embarek Warzazi	(Morocco)	2000
Mr. David Weissbrodt * Ms. Gay J. McDougall	(United States of America)	2000
Mr. Fisseha Yimer	(Ethiopia)	2000